

IN THE DRAWINGS:

Enclosed herein are replacement sheets of formal drawing Figures 1-5 that are to replace the originally filed formal drawings.

REMARKS

Claims 1-4 and 7-33 are pending. Claims 7-33 are allowed. By this Amendment, Claims 5-6 are canceled without prejudice or disclaimer and Claim 1 amended. Applicant respectfully submits no new material is presented herein.

Claims 7-33 Allowed

Applicant respectfully acknowledges and appreciates the indication by the Examiner that Claims 7-33 are allowed.

Claims 1-4 Recite Patentable Subject Matter

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication Number 2001/0047834 to Menin et al. (hereinafter "Menin"). Applicant respectfully traverses the rejection.

Claim 1 recites a changeover valve for use in delivering a gas to a gas mask including, among other features, an actuator to actuate a flap valve between a first position and a second position, wherein the actuator is either a pneumatic actuator or a magnetic actuator. Applicant respectfully submits Menin does not disclose or suggest such a feature.

In particular, Applicant respectfully notes the Office Action asserts Menin discloses an apparatus wherein the actuator is selected from a group consisting of a pneumatic actuator, an electric actuator, a mechanical actuator, and a magnetic actuator. The Office Action refers to section [0029] of Menin. Applicant has reviewed Menin in detail and absent the discussion in section or paragraph [0029], is unable to locate any other discussion with regards to the type of actuator disclosed by Menin. Applicant respectfully points out that Menin appears to be silent as to any discussion or

suggestion with regards to the actuator being a pneumatic or magnetic actuator. Section or paragraph [0029] of Menin specifically discloses the gate valve assembly can be affected by controlled mechanical actuation or by an electric motor, such as a couple motor, a DC motor, or else a stepping motor. However, section or paragraph [0029] of Menin does not disclose or suggest a pneumatic or magnetic actuator affecting control of the Menin gate valve assembly. Put simply, Applicant respectfully submits Menin fails to disclose or suggest a pneumatic or magnetic actuator affecting control of the gate valve assembly.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Menin fails to disclose or suggest each and every feature recited by Claim 1 as Menin does not disclose a pneumatic or magnetic actuator affecting control of the Menin gate valve assembly. Therefore, Applicant respectfully submits Claim 1 is not anticipated by or rendered obvious by the applied teachings of Menin and should be deemed allowable.

Claims 2-4 depends from Claim 1. It is respectfully submitted that these dependent claims should be deemed allowable for the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Applicant respectfully requests withdrawal of the rejection.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejection, allowance of Claims 1-4 and 7-33, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 024911-00004**.

Respectfully submitted,
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Enclosures: Replacement formal drawing Figures 1-5
Petition for Extension of Time

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